

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

PERRY STREET SOFTWARE, INC.,

Plaintiff-Counterclaim Defendant,

v.

JEDI TECHNOLOGIES, INC.

Defendant-Counterclaim Plaintiff.

Case No. 1:20-cv-04539(CM)

**NOTICE OF AGREED MOTION TO  
TEMPORARILY STAY CASE AND AR-  
BITRATION PENDING RESOLUTION  
OF PERRY'S MOTION TO COMPEL  
ARBITRATION AND STAY THE CASE,  
AND JEDI'S MOTION FOR A PRELIMI-  
NARY INJUNCTION ENJOINING OR  
STAYING ARBITRATION**

**PLEASE TAKE NOTICE** that Plaintiff-Counterclaim Defendant Perry Street Software, Inc. (“Perry”) and Defendant-Counterclaim Plaintiff Jedi Technologies, Inc. (“Jedi”) (collectively, the “Parties”), by and through undersigned counsel, jointly request and move the Court, before the Honorable Colleen McMahon, at the United States Courthouse for the Southern District of New York located at 500 Pearl Street, New York, NY 10007, at a date and time to be determined by the Court, for an Order temporarily staying this case and the arbitration styled *Perry Street Software, Inc. v. Jedi Technologies, Inc.*, AAA Case Number 01-20-0014-6921 (hereinafter, the “Arbitration”). In support of this Agreed Motion, the Parties state as follows:

1. On August 31, 2020, Perry filed its Demand for Arbitration in the Arbitration.
2. On September 18, 2020, Jedi filed a Motion for a Preliminary Injunction Enjoining or Staying Arbitration (“Motion for a Preliminary Injunction”). *See* Dkt. Nos. 34-36. This motion is fully briefed. *See* Dkt. No. 40 (Perry’s Resp.); Dkt. No. 44 (Jedi’s Reply).

3. On September 21, 2020, Perry filed a Motion to Compel Arbitration and Stay the Case (“Motion to Compel Arbitration”). Dkt. Nos. 37-38. This motion is also fully briefed. Dkt. No. 41 (Jedi’s Resp.); Dkt. No. 47 (Perry’s Reply).

4. On October 8, 2020, Perry filed a Motion to Stay Case Pending Resolution of its Motion to Compel Arbitration and Stay the Case. *See* Dkt. No. 42-43. The Parties do not oppose a temporary stay of this litigation and the Arbitration pending the Court’s resolution of Perry’s Motion to Compel Arbitration (Dkt. No. 37) and Jedi’s Motion for a Preliminary Injunction (Dkt. No. 34).

5. The Court has the authority to temporarily stay this case and the Arbitration until it has determined whether the Parties’ patent infringement dispute is arbitrable. *See, e.g., Dylan 140 LLC v. Figueroa*, 2019 WL 2235884, at \*1 (S.D.N.Y. May 14, 2019) (“Courts in this district have routinely issued restraining orders to stay arbitration proceedings on a temporary basis [while a determination of arbitrability is pending].”); *Range v. 480-486 Broadway, LLC*, 810 F.3d 108, 113 (2d Cir. 2015) (“[A] district court possesses inherent authority to control the disposition of the causes on its docket and has power to stay an action as an incident of that authority[.]”).

6. The Parties agree that a temporary stay of the Arbitration and this case pending the Court’s resolution of Jedi’s Motion for a Preliminary Injunction (Dkt. Nos. 34-36) and Perry’s Motion to Compel Arbitration (Dkt. Nos. 37-38), will save the Parties and Court time and resources.

7. To be clear, the Parties presently seek a temporary stay of the Arbitration and this case only until the Court has ruled on the Parties’ respective motions regarding the arbitrability of the Parties’ patent infringement dispute. The Parties do not presently seek or agree to a stay of this case pending any subsequent rehearing request or appeal of the Court’s decision on the Parties’

motions. Either Party would remain free to move for a further stay if that Party's motion regarding arbitrability is denied.

For the foregoing reasons, the Parties respectfully request that the Court enter an Order temporarily staying this case and the Arbitration until it has ruled on Jedi's Motion for a Preliminary Injunction (Dkt. Nos. 34-36) and Perry's Motion to Compel Arbitration (Dkt. Nos. 37-38).

Respectfully submitted,



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Brian E. Haan (admitted pro hac vice)  
bhaan@leesheikh.com  
Ashley E. LaValley (admitted pro hac vice)  
alavalley@leesheikh.com  
Dragan Gjorgiev (admitted pro hac vice)  
dgjorgiev@leesheikh.com  
LEE SHEIKH MEGLEY & HAAN LLC  
111 West Jackson Boulevard  
Suite 2230  
Chicago, IL 60604  
Telephone: 312-982-0070  
Fax: 312-982-0071

*Attorneys for Defendant, Jedi Technologies,  
Inc.*

Respectfully submitted,



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Steven Callahan  
scallahan@ccrlaw.com  
Brett Charhon  
New York State Bar No. 4770731  
bcharhon@ccrlaw.com  
Mitchell Sibley  
msibley@ccrlaw.com  
CHARHON CALLAHAN  
ROBSON & GARZA, PLLC  
3333 Lee Parkway, Suite 460  
Dallas, Texas 75219  
Telephone: (214) 521-6400  
Telecopier: (214) 764-8392

*Attorneys for Plaintiff Perry Street Software,  
Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on October 14, 2020 the foregoing:

**NOTICE OF AGREED MOTION TO TEMPORARILY STAY CASE AND  
ARBITRATION PENDING RESOLUTION OF PERRY'S MOTION TO COMPEL  
ARBITRATION AND STAY THE CASE, AND JEDI'S MOTION FOR A  
PRELIMINARY INJUNCTION ENJOINING OR STAYING ARBITRATION**

was filed with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the following counsel of record:

Brett Charhon  
[bchargon@ccrglaw.com](mailto:bchargon@ccrglaw.com)  
Steven Callahan  
[scallahan@ccrglaw.com](mailto:scallahan@ccrglaw.com)  
Mitchell Reed Sibley  
[msibley@ccrglaw.com](mailto:msibley@ccrglaw.com)  
CHARHON CALLAHAN ROBSON & GARZA, PLLC  
3333 Lee Parkway, Suite 460  
Dallas, Texas 75219

*Counsel for Plaintiff Perry Street Software, Inc.*



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LEE SHEIKH MEGLEY & HAAN  
*Counsel for Jedi Technologies, Inc.*